

**MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION**

**May 24, 2011**

**9:30 AM**

**OPEN SESSION**

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance: Harold “Hal” Epperson, Susan Schaefer Kliman, Howell “Chip” Shay, Erick Weiland, John Willett, and Douglas Folk. Absent: David Komm, Robert Stanley, and LeRoy Brady. Mr. Willett excused himself at 11:52 a.m. Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Patricia Sandino. Assistant Attorney General: Mona Baskin
3. **CALL TO THE PUBLIC** - No members of the public addressed the Board.
4. **MINUTES**
  - A. Approve, modify and /or reject the April 26, 2011, minutes. Mr. Shay moved to adopt the April 26, 2011 minutes. Dr. Schaefer Kliman and Mr. Shay requested minor corrections. Mr. Shay amended the motion to include minor corrections. Mr. Epperson seconded, motion carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Letters of Concern
    1. M10-109, Jeffrey L. Andrews, Land Surveyor #12213 – Mr. Folk recused himself citing a conflict of interest. Mr. Andrews was present and addressed the Board. Mr. Epperson moved to issue a Letter of Concern to the Respondent for not providing adequate supervision and review of his nonregistrant employees’ work as it relates to an error made in setting the property pins on the west line of the property surveyed. Mr. Willett seconded. After discussion, motion carried.
  - B. Proposed Consent Agreements
    1. M11-026, Winton Architects, Inc. – Mr. Folk recused himself citing a conflict of interest. Dr. Schaefer Kliman moved to accept Respondent’s signed Consent Agreement encompassing the following Order: Letter of Reprimand; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$210.00. Mr. Willett seconded. After discussion, motion carried.

C. Peer Review Candidates

1. M09-116, Peter K. Takach, P.E. (Civil) #44085 – Mr. Willett moved to accept Respondent's peer review candidates to review Respondent's next (3) structural projects. Mr. Weiland seconded. After discussion, motion carried.

D. Review Discussion and Possible Action on Respondent's Offer of Settlement

- 1a M09-038, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685
- 1b. M09-042, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685
- 1c. M09-053, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685
- 1d. M09-097, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685
- 1e. M09-130, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685

Mr. Folk recused himself citing a conflict of interest. Mr. Castro addressed the Board telephonically. Mr. Epperson moved to proceed with the Administrative Hearing scheduled for June 8, 2011. Mr. Weiland seconded. After discussion, motion carried.

6. **HOME INSPECTOR ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

A. Evaluation of Applications Possible Granting of Certification:

1. Brett E. Nicholson, Home Inspector Applicant #110368 – Mr. Nicholson was present and addressed the Board. (Mr. Folk requested the Board to go into an Executive Session for legal advice. The Board went into Executive Session at 10:59 a.m. for legal advice and returned to regular session at 11:15 a.m.) Mr. Folk moved that the Applicant provide the following items to staff: letters of reference from both the employers and personal individuals from the last five years; proof of good moral character, probation report, sentencing order, criminal records and plea agreement from the Scottsdale City Court. Once documents are received and reviewed by staff, the Board will reconsider the application. Mr. Epperson seconded. After discussion, motion carried.
2. Timothy J. Carreau, Home Inspector Applicant #110417 – Mr. Carreau was present and addressed the Board. Mr. Epperson moved to grant Applicant a Home Inspector Certification. Dr. Schaefer Kliman seconded. After discussion, motion carried.
3. William S. Kunitz, CHI #41593 – Mr. Kunitz was present and addressed the Board. Mr. Epperson moved to defer this case to the next Board meeting. Staff is to investigate if Respondent had notice that his license would be cancelled. Dr. Schaefer Kliman seconded. After discussion, motion carried.

B. Proposed Consent Agreements

1. HI11-013, Paul A. Juarez, Nonregistrant – Mr. Juarez was present and addressed the Board. Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance; Civil Penalty – Pay a Civil Penalty in the amount of \$8,000.00; and Cost of Investigation: Respondent shall

pay the cost of investigation in the amount of \$300.00. Mr. Willett seconded. After discussion, motion carried.

Paul A. Juarez, Home Inspector Applicant #110517 – Mr. Epperson moved to grant Mr. Juarez a certification after the pending orders' requirements are fulfilled. Mr. Weiland seconded. After discussion, motion carried.

## **7. DRUG LABORATORY ENFORCEMENT MATTERS**

### **A. Review, Consideration, and Possible Action on the following:**

1. DL09-018 – Drug Laboratory Remediation and Final Report at 6101 N. 35<sup>th</sup> Drive, Phoenix, Arizona – conducted by Meth Lab Cleanup, L.L.C., #16159 – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Administrative Penalty of \$5,000.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$2,131.00. Mr. Weiland seconded. After discussion, motion carried.
2. DL10-013 – Drug Laboratory Preliminary Assessments at 6018 S. 43<sup>rd</sup> Place, Phoenix, Arizona – conducted by Meth Lab Cleanup, L.L.C., #16159 – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Administrative Penalty of \$5,000.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$2,131.00. Mr. Weiland seconded. After discussion, motion carried.

## **8. LICENSING MATTERS**

### **A. Review, Consideration, and Possible Action on the following:**

1. Alexander, Michael, Architect-in-Training Application #100077 – Mr. Alexander was present and addressed the Board. Dr. Schaefer Kliman moved to approve Mr. Alexander's application and grant him registration once he has completed ARE and the required experience. Mr. Epperson seconded. After discussion, motion carried.
2. Bradley, Christopher, Engineering-in-Training Application #110073 – Mr. Bradley was present and addressed the Board. Mr. Willett moved to approve Mr. Bradley's application and grant him the EIT designation. Mr. Weiland seconded. After discussion, motion carried.
3. Guerrero, Ernest, Land Surveyor Application #110054 – Mr. Guerrero was present and addressed the Board. Mr. Epperson moved to approve Mr. Guerrero's application and grant him registration once he has completed NCEES Principles and Practices of Land Surveying Exam and the Arizona State Specific Exam. Dr. Schaefer Kliman seconded. After discussion, motion carried.
4. Holman, John, Engineering-in-Training Application #110069 – Mr. Folk moved to approve Mr. Holman's application and grant him the EIT designation. Dr. Schaefer Kliman seconded. After discussion, motion carried.

5. Lloyd, Jeremiah, Engineering-in-Training Application #110086 – Mr. Lloyd addressed the Board telephonically. Mr. Willett moved to approve Mr. Lloyd and grant him the BIT designation. Mr. Weiland seconded. After discussion, motion carried.
6. Monti, Steven, Land Surveying-in-Training Application #110049 – Mr. Monti was present and addressed the Board. Mr. Epperson moved to authorize Mr. Monti to take the fundamentals of Land Surveying Exam and grant him LSIT designation after successfully passing the exam. Dr. Schaefer Kliman seconded. After discussion, motion carried.
7. Roozbahani, Mehrdad, Fire Protection Engineering Application #100602 – Mr. Weiland moved to have staff ask Mr. Roozbahani to submit a new application to change his designation to Environmental Engineer and send the new application to Mr. Komm for a final review. Mr. Epperson seconded. After discussion, motion carried.
8. Spinner, Jonathan, Architect Application #101258 – Mr. Spinner was present and addressed the Board. Mr. Shay moved to approve Mr. Spinner to take the ARE Exam and authorize him to complete the Intern Development Program. Dr. Schaefer Kliman seconded. After discussion, motion carried.
9. Talker, Christopher, Engineering-in-Training Application #110071 – Mr. Willett moved to approve Mr. Talker's application and grant him the EIT designation. Mr. Weiland seconded. After discussion, motion carried.

## 9. LICENSING CONSENT AGENDA

Review, Consideration, and Action on the Evaluation Committee and Staff  
Recommendations for the following (Lists of names available at the Board's office for public review):

Goodsell, Mark, Architect Application #110418 – Ms. Cornelius requested the Board to have applicant removed from section 3). Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123.

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted

professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Mr. Willett seconded. After discussion, motion carried.

## **10. POLICY MATTERS**

- A. Review of American Civil Liberties Union ("ACLU") demand letter.  
Ms. Baskin, Assistant Attorney General, asked to defer this item to a future Board meeting, requesting time to review the American Civil Liberties Union ACLU demand letter, to determine whether R4-30-247(E) (felony bar), conflicts with A.R.S. § 13-904 (restoration of civil rights). No action was taken on this item.

## **11. Review, Consideration, and Possible Vote on the following:**

- A. Registrations that have been expired for three (3) years and recommended to be cancelled: There were no registrations to cancel this month.
- B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List of names available at the Board's office for public review.) Mr. Epperson moved to cancel the certificates listed in 11.B. Mr. Folk seconded. After discussion, motion carried.

## **12. DIRECTOR'S REPORT**

Mr. Dalrymple, Executive Director, reported on the following items: The rule making is still on hold. The Governor's Office indicated the rules moratorium may be extended past 2012. The Governors Regulatory Review Committee ("GRRC") has made editorial changes to the Board's proposed rules. The rules will go before the Drug Lab Committee for final review before going to GRRC.

## **13. BOARD CHAIR'S REPORT** – There was nothing new to report.

## **14. STANDING COMMITTEE REPORT**

- A. Legislation and Rules Committee ("L&R") -- Dr. Schaefer Kliman reported on the following items discussed at the L&R Committee on April 21, 2011.

The Board directed the Committee to gather information regarding continuing education and present it to the Board at the July 26, 2011, meeting.

The Committee is currently putting together a survey which will be going out to various professional organizations to acquire a sense of what the continuing education requirements are across the country in the different professions. They want to make sure that the professions that want continuing education get it versus those that don't want it. This process will take a little longer than expected to be complete.

The Committee is to determine whether the continuing education requirements are most appropriate for each discipline that the Board regulates.

- B. Budget Committee – Mr. Dalrymple provided a budget report.
- C. Home Inspector Rules and Standards Committee – Mr. Shay stated there was nothing new to report.
- D. Environmental Remediation Rules and Standards Committee (“ERRS”) – Mr. Weiland stated there was nothing new to report.

## 15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Mr. Willett was to attend the National Council of Examiners for Engineering and Surveying Conference on May 25 thru May 28, 2011, in Spokane, Washington.
- B. National Council of Architectural Registration Boards (“NCARB”) – Dr. Schaefer Kliman reported that she was asked to Chair the Intern Development Program Advisory Committee with American Institute of Architects (“AIA”), along with Procedure and Document Committee and Practice and Analysis Committee.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – There was nothing new to report.
- D. National Association of State Boards of Geology (“ASBOG”) – Mr. Weiland reported that only 8 states out of 30 members have continuing education (“CE”) requirements. The specific requirements for each of these states varies considerably are included in ASBOG’s Model Law. South Carolina began requiring CE in 1990, with the remaining states followed until 2000 when New Hampshire was the last to implement this requirement. No states have added continuing education units (“CEUs”) since 2000 and several states have considered dropping the requirement due to the cost of administration. The number of CEUs required in each state ranged from 10 per year to 32 every two years.

Costs for the program ranged considerably, with the lowest cost for a self-administered program where each registered geologist determines what qualifies as a CEU and maintains all of their own records. Several states require that a log of CEU be attached to renewal documents and these states perform audits (5% to 15% each year). Several states have placed a time limit on the period that tracks the costs associated with the CEU requirement. However, several states indicated that they have had to add staff (Delaware added 2 full time positions) to administer the requirement.

Several states have indicated that they “believe” that CEU requirements help protect the public, but each indicated that they do not have any data to support this belief. Several states indicated that they were just following the lead from the Engineering Boards when implementing the requirement and did not provide any justification for this to their legislatures. Most believe that CEU requirements help professionals stay current. Many of the formal CEU requirements reviewed go far beyond ensuring “minimum” competency for a registrant.

From a professionals' perspective staying current may provide an individual with an edge over the competition, and may increase the public protection and welfare in the process. However, having a CEU requirement for registrants has not been demonstrated to increase public protection and welfare and may add a significant burden to the Board having to administer the program. In fact, 22 of the 30 ASBOG states have determined not to include a CEU requirement in the renewal of registrations. In Arizona it is rare that a Geologist appears before the Board. Adding a CEU requirement will not change this (except that the Board will have to evaluate CEUs every year adding to the administrative workload).

ASBOG Model Law (CEU) reported the following:

- \* 593 (10) to authorize the preparation and conduct of continuing education Program
- \* 594 (voluntary or mandatory) participation as a condition of licensure, renewal or re-licensure.

16. **FUTURE BOARD MEETINGS** –Tuesday, June 28, 2011 at 9:30 AM.

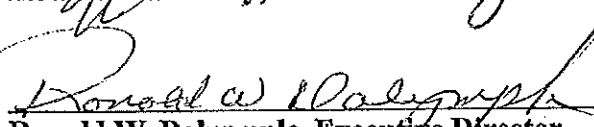
17. **FUTURE AGENDA ITEMS** – None at this time.

18. **ADJOURNMENT**– Meeting adjourned at 12:37 P.M.

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**



Howell Lewis Shay, Chairman



Ronald W. Dalrymple, Executive Director